

IC 13-30-6

Chapter 6. Offenses

IC 13-30-6-1

Violation of environmental management laws, air and water pollution laws, rules, or orders; punishment

Sec. 1. (a) A person who intentionally, knowingly, or recklessly violates:

- (1) environmental management laws;
- (2) air pollution control laws;
- (3) water pollution control laws;
- (4) a rule or standard adopted by one (1) of the boards; or
- (5) a determination, a permit, or an order made or issued by the commissioner under environmental management laws or IC 13-7 (before its repeal);

commits a Class D felony.

(b) Notwithstanding IC 35-50-2-7(a), a person who is convicted of a Class D felony under this section (or IC 13-7-13-3(a) before its repeal) may, in addition to the term of imprisonment established under IC 35-50-2-7(a), be punished by:

- (1) a fine of not less than five thousand dollars (\$5,000) and not more than fifty thousand dollars (\$50,000) per day of violation; or
- (2) if the conviction is for a violation committed after a first conviction of the person under this section (or IC 13-7-13-3(a) before its repeal), a fine of not more than one hundred thousand dollars (\$100,000) per day of violation.

As added by P.L.1-1996, SEC.20. Amended by P.L.112-2000, SEC.4.

IC 13-30-6-2

False statements; monitoring device tampering; punishment

Sec. 2. (a) A person who:

- (1) knowingly makes a false statement, representation, or certification in an application, a record, a report, a plan, or other document filed or required to be maintained under environmental management laws; or
- (2) falsifies, tampers with, or knowingly renders inaccurate a monitoring device or method required to be maintained under environmental management laws;

commits a Class B misdemeanor.

(b) Notwithstanding IC 35-50-3-3, a person who is convicted of a Class B misdemeanor under this section may, in addition to the term of imprisonment established under IC 35-50-3-3, be punished by a fine of not more than ten thousand dollars (\$10,000).

As added by P.L.1-1996, SEC.20.

IC 13-30-6-3

Specific hazardous waste activities; punishment

Sec. 3. (a) A person who knowingly:

- (1) transports any hazardous waste to a facility that does not

have an operation permit or approval to accept the waste;
(2) disposes, treats, or stores any hazardous waste without having obtained a permit for the waste; or
(3) makes a false statement or representation in an application, a label, a manifest, a record, a report, a permit, or other document filed, maintained, or used under environmental management laws with regard to hazardous waste;
commits a Class D felony.

(b) Notwithstanding IC 35-50-2-7(a), a person who is convicted of a Class D felony under this section may, in addition to the term of imprisonment established under IC 35-50-2-7(a), be punished by:

- (1) a fine of not less than two thousand five hundred dollars (\$2,500) and not more than fifty thousand dollars (\$50,000) for each day of violation; or
- (2) if the conviction is for a violation committed after a first conviction of the person under this section, IC 13-30-6-1, IC 13-30-6-2, or IC 13-7-13-3 (before its repeal), a fine of not more than one hundred thousand dollars (\$100,000) per day of violation.

As added by P.L.1-1996, SEC.20. Amended by P.L.112-2000, SEC.5.

IC 13-30-6-4

Prosecution of corporate officer

Sec. 4. A responsible corporate officer may be prosecuted for a violation of section 1, 2, or 3 of this chapter in accordance with IC 35-41-2-4.

As added by P.L.1-1996, SEC.20.

IC 13-30-6-5

Application of IC 35-50-2-7(b)

Sec. 5. IC 35-50-2-7(b) does not apply to the Class D felonies described in sections 1 and 3 of this chapter.

As added by P.L.1-1996, SEC.20.

IC 13-30-6-6

Unlawful transportation or storage of hazardous waste; punishment

Sec. 6. (a) Except as provided in section 7 of this chapter, a person who intentionally:

- (1) transports;
- (2) disposes;
- (3) treats; or
- (4) stores;

hazardous waste in violation of environmental management laws commits a Class D felony.

(b) Notwithstanding IC 35-50-2-7(a), a person who is convicted of a Class D felony under this section may, in addition to the term of imprisonment established under IC 35-50-2-7(a), be fined not more than fifty thousand dollars (\$50,000) for each day of violation.

As added by P.L.1-1996, SEC.20.

IC 13-30-6-7**Judgment of conviction**

Sec. 7. If a person has committed a violation of section 6 of this chapter, the court may enter a judgment of conviction under this chapter. The court shall enter in the record, in detail, the reason for the court's action whenever the court exercises the power granted in this section.

As added by P.L.1-1996, SEC.20.